

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1625

In re

Patent Application of

Charles Raymond Degenhardt, et al.

Application No. 09/996,657

Confirmation No.: 6277

Filed: November 29, 2001

Examiner: Desai, Rita J.

"SUBSTITUTED HETEROCYCLIC
COMPOUNDS FOR TREATING MULTIDRUG
RESISTANCE"

I, Karen Harker, hereby certify that this correspondence is
being facsimile transmitted to Mail Stop AF, Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450
(Fax No. 571-273-6300) on the date of my signature.

Signature

February 15, 2006

Date of Signature

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**NOTICE OF APPEAL
AND
REQUEST FOR EXTENSION OF TIME**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated August 15, 2005, and the Examiner finally rejecting Claims 17-19 and 23-25 in the Advisory Action dated December 22, 2005.

Applicants also hereby request a three-month extension of time extending the date for response until February 15, 2006. The fee for this extension is \$510.00, of which \$450.00 was paid (mistakenly as a large entity fee) with a two-month extension of time filed on January 12, 2006.

Applicants claim small entity status.

Please charge Deposit Account No. 50-0842 in the amount of \$310.00 (\$250.00 for the Notice of Appeal fee + \$60.00 (\$510.00 - \$450.00) for the three-month Extension of Time fee), or any deficiencies of fees associated with this filing. A duplicate copy of this sheet is enclosed.

Adjustment date: 02/17/2006 EFLORES
01/13/2006 AKELECH 00000041 500842 09996657
01 FC:1252 450.00 CR

Respectfully submitted,

Wendy M. Seffroed
Wendy M. Seffroed
Reg. No. 52,205

File No. 010785-9003-US02
Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1808
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608.257.3501
Q:\client\010785\9003\B0728866.DOC

PAGE 272 * RCVD AT 2/15/2006 5:14:13 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-6/36 * DNS:2738300 * CSID: * DURATION (mm:ss):01:18

03/30/2006 SDIRETA1 00000013 09996657

01 FC:1252 450.00 DA

02/17/2006 EFLORES 00000061 500842 09996657

01 FC:2401 250.00 DA
02 FC:2253 510.00 DA

Adjustment date: 03/30/2006 SDIRETA1:
02/17/2006 EFLORES 00000061 500842 09996657
01 FC:2401 250.00 CR
02 FC:2253 510.00 CR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 1625

PATENT MAINTENANCE
DIVISION

2006 MAR 13 PH 4:38

In re

Patent Application of

Charles Raymond Degenhardt, et al.

Application No. 09/996,657

Confirmation No.: 6277

Filed: November 29, 2001

Examiner: Desai, Rita J.

"SUBSTITUTED HETEROCYCLIC
COMPOUNDS FOR TREATING
MULTIDRUG RESISTANCE"

I, Anna Poppe, hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Signature

Date of Signature

REQUEST FOR REFUND

Mail Stop 16
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request a refund of \$310.00 (\$250.00 for the Notice of Appeal fee + \$60.00 (\$510.00 - \$450.00) for the three-month Extension of Time fee) that was charged to Applicants' Representatives' Deposit Account No. 50-0842 on February 17, 2006. Enclosed is a copy of the Deposit Account Statement for February 2006.

The refund is requested because the above fees were necessitated by an internal random process of quality review at the Office. This was beyond Applicants' control, and therefore, it is manifestly unfair to require Applicants to bear the above-noted costs.

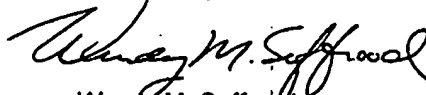
The final Office Action for the application was mailed on August 15, 2005. After an advisory action, two amendments and several discussions with the Examiner, Applicants learned on February 3, 2006 that the Examiner would allow the case. On February 10, 2006, when the Notice of Allowance had not been received, the undersigned contacted the Examiner to inquire as to the status of the case. The Examiner assured the undersigned the Notice of Allowance had been prepared, and was simply in the queue to be scanned and mailed. Rather than receiving the Notice of Allowance in due course, however, on February 15, 2006, Applicants were informed that the Application had been randomly selected for review. The review process prevented the mailing of the Notice of Allowance and Applicants were forced to file the above-noted Notice of Appeal and Request for Extension of Time on

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February 15, 2006 to maintain the pendency of the application. The Notice of Allowance was mailed on March 3, 2006.

In view of the circumstances described above, Applicants respectfully request a refund in the amount of \$310.00. Please credit Deposit Account No. 50-0842 in this amount.

Respectfully submitted,



Wendy M. Seffrood
Reg. No. 52,205

File No. 010785-9003-US02
Michael Best & Friedrich LLP
One South Pinckney Street
P. O. Box 1806
Madison, WI 53701-1806
608.257.3501

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Trademark Office**

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Page**Deposit Account Statement**

Requested Statement Month: February 2006
Deposit Account Number: 500842
Name: MICHAEL BEST & FRIEDRICH, LLP
Attention: ACCOUNTS PAYABLE
Address: P O BOX 1806
City: MADISON
State: WI
Zip: 53701-1806
Country: UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
02/01	21	2995511	016348-9053 US00	8503	\$15.00	\$17,519.00
02/02	297	11328783	016348-9058 US00	8021	\$40.00	\$17,479.00
02/03	213	08248058	092234-9023-US00	8021	\$40.00	\$17,439.00
02/03	215	08248058	092234-9023-US00	8021	\$40.00	\$17,399.00
02/06	65	10426147	065435-9026	1801	\$790.00	\$16,609.00
02/09	1616	78337610	55289-9002	7004	\$150.00	\$16,459.00
02/10	57	2540415	047186-9013 US00	8501	\$3.00	\$16,456.00
02/10	58	2098985	047186-9013 US00	8501	\$3.00	\$16,453.00
02/16	18	E-REPLENISHMENT		9203	-\$3,620.00	\$20,073.00
02/17	68	09996657	010785-9003-02	1252	-\$450.00	\$20,523.00
02/17	69	09996657	010785-9003-02	2401	\$250.00	\$20,273.00
02/17	70	09996657	010785-9003-02	2253	\$510.00	\$19,763.00
02/21	1941	78818807	47186-9031	7001	\$325.00	\$19,438.00
02/21	1974	78818822	47186-9032	7001	\$325.00	\$19,113.00
02/21	2010	78818851	47186-9033	7001	\$325.00	\$18,788.00
02/21	2082	78818884	47186-9034	7001	\$325.00	\$18,463.00
02/21	2230	78818948	47186-9035	7001	\$325.00	\$18,138.00
02/21	2281	78818980	47186-9036	7001	\$325.00	\$17,813.00
02/21	2314	78818998	47186-9037	7001	\$325.00	\$17,488.00
02/22	206	60742403	065435-9061-US00	8007	\$40.00	\$17,448.00
02/22	209	60656178	065435-9045-US00	8007	\$40.00	\$17,408.00
02/22	292	60656193	065435-9044-US00	8007	\$40.00	\$17,368.00
02/28	365	78702235	060137-9076-MX00	8507	\$15.00	\$17,353.00

START
BALANCE
\$17,534.00

SUM OF
CHARGES
\$4,251.00

SUM OF
REPLENISH
BALANCE
\$4,070.00

END
BALANCE
\$17,353.00